

SENATE BILL 456

J3

1lr1375

By: **Senators Kelley, Forehand, Garagiola, Jones-Rodwell, Klausmeier, Middleton, Montgomery, and Pugh**
Introduced and read first time: February 4, 2011
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Emergency Standards for**
3 **Moderate Sedation**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
5 certain regulations for certain health care practice sites; requiring the
6 regulations to address appropriate emergency supplies and equipment and
7 appropriate standards and procedures to be followed in the event of an
8 emergency; establishing a certain penalty for a violation of certain regulations;
9 and generally relating to regulation of moderate sedation.

10 BY adding to

11 Article – Health – General
12 Section 13–3001 through 13–3003 to be under the new subtitle “Subtitle 30.
13 Emergency Standards for Moderate Sedation”
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2010 Supplement)

16 Preamble

17 WHEREAS, Moderate sedation is increasingly being conducted at health care
18 practice sites for a wide variety of medical procedures; and

19 WHEREAS, Health care practice sites where moderate sedation is being
20 conducted that are not licensed as a health care facility may not have the appropriate
21 emergency standards in place to protect patients under moderate sedation; and

22 WHEREAS, The Department of Health and Mental Hygiene should develop
23 uniform emergency standards for health care practice sites at which moderate
24 sedation is conducted to ensure patient safety; now, therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 **SUBTITLE 30. EMERGENCY STANDARDS FOR MODERATE SEDATION.**

5 **13-3001.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “HEALTH CARE PRACTICE SITE” MEANS A SITE:

9 (1) AT WHICH HEALTH CARE SERVICES ARE PROVIDED; AND

10 (2) THAT:

11 (i) IS NOT REQUIRED TO BE LICENSED UNDER TITLE 19 OF
12 THIS ARTICLE; AND

13 (ii) IS NOT SUBJECT TO EMERGENCY STANDARDS FOR
14 MODERATE SEDATION UNDER A HEALTH OCCUPATIONS BOARD.

15 (C) “MODERATE SEDATION” MEANS THE USE OF MEDICATION TO
16 DEPRESS THE LEVEL OF CONSCIOUSNESS IN A PATIENT WHILE ALLOWING THE
17 PATIENT TO CONTINUALLY AND INDEPENDENTLY MAINTAIN A PATENT AIRWAY
18 AND RESPOND APPROPRIATELY TO VERBAL COMMANDS OR TACTILE
19 STIMULATION.

20 **13-3002.**

21 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR HEALTH CARE
22 PRACTICE SITES WHERE MODERATE SEDATION IS CONDUCTED IN ORDER TO
23 ENSURE THAT APPROPRIATE EMERGENCY CARE CAN BE PROVIDED AT THE
24 HEALTH CARE PRACTICE SITE.

25 (B) THE REGULATIONS REQUIRED UNDER THIS SECTION SHALL
26 ADDRESS:

27 (1) APPROPRIATE EMERGENCY SUPPLIES AND EQUIPMENT AT A
28 HEALTH CARE PRACTICE SITE WHERE MODERATE SEDATION IS CONDUCTED;
29 AND

1 **(2) APPROPRIATE STANDARDS AND PROCEDURES TO BE**
2 **FOLLOWED AT THE HEALTH CARE PRACTICE SITE IN THE EVENT OF AN**
3 **EMERGENCY, INCLUDING A REQUIREMENT THAT A PATIENT BE TRANSPORTED**
4 **TO THE NEAREST APPROPRIATE EMERGENCY CARE FACILITY IF AN EMERGENCY**
5 **OCCURS.**

6 **13-3003.**

7 **A PERSON THAT VIOLATES A REGULATION ADOPTED UNDER THIS**
8 **SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**
9 **FINE NOT EXCEEDING \$1,000.**

10 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
11 **October 1, 2011.**